

Court of Appeals, Division One

Civil Appeal

1 CA-CV 15-0504

MCLEOD v. DEUTSCHE BANK

Appellate Case Information

Case Filed: 30-Jul-2015

Case Closed:

Dept/Composition

Department D

Hon. Diane M Johnsen
Hon. Margaret H Downie
Hon. James P Beene

Side 1. KENNETH MCLEOD and CAROL ANN MCLEOD, Plaintiff/Appellee

(Litigant Group) KENNETH MCLEOD et al.

- Kenneth McLeod
- Carol Ann McLeod

Attorneys for: Plaintiffs/Appellees

Beth K Findsen, Esq. (AZ Bar No. 23205)

Side 2. DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee Under Pooling and Servicing Agreement dated as of February 1, 2007 Securitized Asset Backed Receivables LLC Trust 2007-NC2 Mortgage Pass-Through Certificates, Series 2007-NC2, Defendant/Appellant

(Litigant Group) DEUTSCHE BANK NATIONAL TRUST COMPANY

- Deutsche Bank National Trust Company

Attorneys for: Defendant/Appellant

Robert W Norman, Jr., Esq. (AZ Bar No. 25328)
Solomon S Krotzer, Esq. (AZ Bar No. 27985)

CASE STATUS

Dec 30, 2016....Assigned

| PREDECESSOR CASE(S) | Cause/Charge/Class | Judgment/Sentence | Judge, Role <Comments> | Trial | Dispo |
|---------------------|---|-------------------|---|-------|-------|
| MAR CV2008-092175 | Breach of Contract [see file for complete list] | | David M Talamante, Authoring Judge of Order | | |

3 OPEN DUE DATES

Court Ordered Document due

Due By: Wednesday, February 8, 2017

copy of any certificate of organization, association or registration filed in any state/copy of any document by which the Trust has authorized service

Re: * ORDERED: continuing conference in this matter from 02/01/2017 to 03/08/2017. FURTHER ORDERED: setting oral argument at 10:15 a.m. on 03/08/2017, in Courtroom 2. FURTHER ORDERED: on/before 02/08/2017, Deutsche Bank National Trust Company shall file with

Supplemental (Simultaneous) Brief Due

Due By: Friday, February 17, 2017

Appellant

Re: * ORDERED: continuing conference in this matter from 02/01/2017 to 03/08/2017. FURTHER ORDERED: setting oral argument at 10:15 a.m. on 03/08/2017, in Courtroom 2. FURTHER ORDERED: on/before 02/08/2017, Deutsche Bank National Trust Company shall file with

Supplemental (Simultaneous) Brief Due

Due By: Friday, February 17, 2017

Appellees

Re: * ORDERED: continuing conference in this matter from 02/01/2017 to 03/08/2017. FURTHER ORDERED: setting oral argument at 10:15 a.m. on 03/08/2017, in Courtroom 2. FURTHER ORDERED: on/before 02/08/2017, Deutsche Bank National Trust Company shall file with

32 PROCEEDING ENTRIES

| | | |
|----|-------------|---|
| 1. | 30-Jul-2015 | FILED: Index of Record, Notice of Appeal from Maricopa County Superior Court filed 07/02/15 Docketing Statement filed in Superior Court: 7/10/15 |
| 2. | 30-Jul-2015 | FILED: e-Record on Appeal: Instruments/Minute Entries Exhibits - not sent at this time |
| 3. | 7-Aug-2015 | FILED: Notice to Parties re: Appellant's Fee/Brief Due |
| 4. | 17-Aug-2015 | RECEIPT No.: 2015-01134 ; \$280.00, Check Number: #31428, Applied to: DEUTSCHE BANK NATIONAL TRUST COMPANY - Class A Filing Fee (\$280.00) Paid for: - By Houser & Allison PC |
| 5. | 21-Aug-2015 | FILED: Appellee's Notice re: Appellee's Fee/Appellant's Brief Due |

Court of Appeals, Division One**Civil Appeal****1 CA-CV 15-0504****MCLEOD v. DEUTSCHE BANK****32 PROCEEDING ENTRIES**

6. 3-Sep-2015 FILED: Notice of Filing Transcripts Pursuant to ARCAP 11.1(d)(1); Reporter's Transcript of Proceedings 8/12/08 (Bonnie Furlong); Reporter's Transcript of Proceedings - 11/24/08 (Sandra J Worrell); Reporter's Transcript of Proceedings - 11/13/09 (Sandra J Worrell); Reporter's Transcript of Proceedings - 12/15/09 (Marcia Kladek); Reporter's Transcript of Proceedings - 8/13/10 (Bonnie Furlong); Reporter's Transcript of Proceedings - 10/4/12 (Bonnie Furlong); Reporter's Transcript of Proceedings - 3/13/13 (Bonnie Furlong); Reporter's Transcript of Proceedings - 8/16/13 (Sandra J Worrell); Reporter's Transcript of Proceedings - 3/14/14 (Peggy M Edens); Reporter's Transcript of Proceedings - 6/26/15 (Marguerite Leverenz)(Appellant)
7. 4-Sep-2015 FILED: Appellees' Motion to Dismiss Appeal for Lack of Jurisdiction and for Appellant's Failure to Submit Rule 12(D) Statement; Certificate of Service (Appellee)
8. 9-Sep-2015 RECEIPT No.: 2015-01257 ; \$140.00, Authorization: #51022053281, Applied to: KENNETH MCLEOD et al. - Class B Filing Fee (\$140.00) Paid for: Law Offices of Beth K Findsen PLLC - By Integrated Resource Systems IN
9. 11-Sep-2015 FILED: Appellant's Response to Motion to Dismiss Appeal; Certificate of Service (Appellant)
10. 11-Sep-2015 FILED: Case Management Statement; (Case Management Statement) Exhibit 1 (Appellant)
11. 22-Sep-2015 FILED: Appellant's Motion to Extend Deadline to File Appellant's Opening Brief; Certificate of Service (Appellant)
12. 23-Sep-2015 FILED: Appellee's Reply in Support of Motion to Dismiss Appeal; Certificate of Service (Appellee)
13. 24-Sep-2015 ORDERED: Appellant's Motion to Extend Deadline to File Appellant's Opening Brief (Appellant) = GRANTED in part. FURTHER ORDERED: Vacating 10/6/15 due date for opening brief. Order ruling on pending motion to dismiss will set a due date for filing opening brief, if motion to dismiss is denied. Melina Brill ProTem Judge - Author
14. 8-Oct-2015 ORDERED: Appellees' Motion to Dismiss Appeal for Lack of Jurisdiction and for Appellant's Failure to Submit Rule 12(D) Statement (Appellee) = DENIED. FURTHER ORDERED: Staying appeal to/including 11/20/15 and revesting jurisdiction in Maricopa Superior Court to consider application for signed order w/ certification of finality pursuant to Rule 54(c) corresponding to unsigned minute entry dated 3/14/14 and filed on 3/18/14. FURTHER ORDERED: If superior court grants application, appellant shall file a copy of signed order w/in 10 days after entry. Appeal will be reinstated w/o further action by this court. FURTHER ORDERED: If appeal has not been reinstated by filing of signed order w/ reference to Rule 54(c), appellant shall file a request to continue stay or part of this appeal will be dismissed. FURTHER ORDERED: If signed order has been filed, opening brief shall be due on 12/21/15. Hon Maurice Portley - Author
15. 20-Nov-2015 FILED: Motion for Procedural Order Appellant's Motion to Continue Stay of Appeal; Certificate of Service; Exhibits A, B, and C (Appellant)
16. 24-Nov-2015 ORDERED: Continuing the stay of this appeal to/including 12/21/15. FURTHER ORDERED: Opening Brief shall be due on/before 1/21/16. Barbara Vidal Vaught ProTem Judge - Author
17. 9-Dec-2015 FILED: Supplemented Superior Court e-Record with Revised Index of Record [Includes an order filed 11/23/15 that denies Defendant's Application for a signed Order]
18. 21-Jan-2016 FILED: Appellant's Opening Brief; Certificate of Compliance; Certificate of Service (Appellant)
19. 21-Jan-2016 FILED: Appendix (Appellant)
20. 7-Mar-2016 FILED: Answering Brief of Plaintiffs/Appellees Kenneth McLeon and Carol Ann McLeod; Certificate of Compliance; Certificate of Service
21. 8-Mar-2016 FILED: Notice of Supplemental Authority from United States Supreme Court in Support of Appellees Answering Brief; Certificate of Service (Appellee)
22. 16-Mar-2016 FILED: Motion for Procedural Order: Appellant's Motion for Extension to File Reply Brief; Certificate of Service (Appellant)
23. 17-Mar-2016 ORDERED: Motion for Procedural Order: Appellant's Motion for Extension to File Reply Brief (Appellant) = GRANTED. Due date EXTENDED from Monday, 04-04-2016 to Tuesday, 05-03-2015 (sic). Barbara Vidal Vaught ProTem Judge - Author
24. 18-Mar-2016 ORDERED: amending court's 3/17/16 order to correct due date for filing reply brief to 5/3/16. Barbara Vidal Vaught ProTem Judge - Author
25. 3-May-2016 FILED: Appellant's Reply Brief; Certificate of Compliance; Certificate of Service

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32 PROCEEDING ENTRIES

26. 2-Jun-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
27. 13-Jun-2016 FILED: Supplemented Superior Court e-Record with Revised Index of Record
28. 13-Jun-2016 FILED: Additional record on appeal
Exhibits: HD 12/15/09 - List# 1 4 5 7 in manila envelope
29. 29-Jul-2016 FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days
(VACATED per order filed 07/29/2016)
30. 29-Jul-2016 ORDERED: vacating memorandum dated 07/29/2016. Ruth Willingham - Author
31. 30-Dec-2016 CLNDR: CONFERENCE, Department D, 2-1-17, COURTROOM 2.
32. 17-Jan-2017 ORDERED: continuing conference in this matter from 02/01/2017 to 03/08/2017. FURTHER ORDERED: setting oral argument at 10:15 a.m. on 03/08/2017, in Courtroom 2. FURTHER ORDERED: on/before 02/08/2017, Deutsche Bank National Trust Company shall file with this court (and serve on appellees) (1) a copy of any certificate of organization, association or registration filed in any state on behalf of Securitized Asset Backed Receivables LLC Trust 2007-NC2 and/or Securitized Asset Backed Receivables LLC Trust 2007-NC2 Mortgage Pass-Through Certificates, Series 2007-NC2 ('Trust') and (2) a copy of any document by which the Trust has authorized service to be accepted by a statutory agent on its behalf. FURTHER ORDERED: on/before 4 p.m. on 02/17/2017, each side shall file and serve a supplemental brief of no longer that 7,000 words addressing issues listed in order. Hon Diane M Johnsen - Author